

Petitioner has now filed a Motion to Reconsider asserting that his petition should be considered timely filed because he filed it within one year of the conclusion of his timely filed request for state post-conviction efforts. First, as this Court set forth in its earlier Order, Petitioner's limitation period expired prior to his filing for state post-conviction relief. Second, the Court notes that Petitioner does not even address the Court's holding that his federal habeas

petition was dismissed because he failed the “in custody pursuant to the judgment of a State court” requirement.

THEREFORE, IT IS HEREBY ORDERED that Petitioner’s Motion for Reconsideration is DENIED.

Signed: May 23, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

